

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 13-20166
Hon. Lawrence P. Zatkoff

JOSE SEDANO-GARCIA,

Defendant.

OPINION AND ORDER

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron,
State of Michigan, on the 30th of April, 2013

Defendant filed a Motion for Discovery and Inspection (Docket #22), wherein Defendant asked the Court to enter an order that compelled the Government to allow him, through counsel, to examine, inspect and make copies of:

- A. Any statement or confession made by Defendant, as required by Fed. R. Crim. P. 16(a)(1)(A), if such is known to the Government.
- B. Any other statements or confessions made by Defendant within the meaning of, and as required by, the “Standing Order for Discovery and Inspection”, paragraph 1(a), including any oral admissions or statements if they have been reduced to any form of writing or are known to the United States Attorney.
- C. Any photographs, books, papers, documents, tangible objects, buildings, or places within the meaning of, and as required by Fed. R. Crim. P. 16(a)(1)(C).
- D. Any document which will be used to refresh the memory of a witness, within the meaning of, and as required by the “Standing Order”, paragraph 8 and Fed. R. Evid. 612.
- E. The results or reports of any examinations, tests, or experiments within the meaning of, and as required by, the “Standing Order”, paragraph 1(a) and

Fed. R. Crim. P. 16(a)(1)(D).

- F. Any oral, written, or recorded statements made by the Defendant to a third party which were later repeated to government agents.
- G. A list of government witnesses.
- H. Any statements by persons who have possible knowledge of information relevant to this case that are not protected from disclosure by 18 U.S.C. §3500, including, but not limited to transcripts of testimony of witnesses who appeared before the grand jury.
- I. Any acts the government intends to introduce against Defendant under Fed. R. Evid. 404(b).
- J. Any statement of witnesses within the meaning of 18 U.S.C. §3500.

The Government filed a response to the Motion for Discovery and Inspection. Therein, the Government stated that it had provided Defendant with “the Customs and Border Protection (police) reports, case agent memorandums, defendant’s statements and Miranda waiver, the alien file including all immigration and criminal history pertaining to defendant, additional information regarding the defendant’s use of false documents in relation to his immigration crimes, and any other relevant discovery.” In addition, the Government stated that it: (1) “is fully aware of its discovery obligations pursuant to *Jencks*, *Brady*, *Giglio*, and the Court’s Standing Order for Discovery and Inspection,” and (2) had “complied, and will to continue to comply, with all its legal discovery obligations.”

Defendant did not file a reply brief disputing any of the Government’s representations regarding discovery that had been provided, nor has Defendant since brought to the Court’s attention that the Government had failed to comply with any of the discovery obligations the Government acknowledged it had, has or will have.

Based on the Government’s response brief and the failure of Defendant to contest the

Government's representations therein, the Court finds that the Government had provided Defendant with all of the required materials by the date on which the Government responded. The Government also acknowledged its obligations under *Jencks*, *Brady*, *Giglio*, and the Court's Standing Order for Discovery and Inspection. As such, the Court DENIES AS MOOT Defendant's Motion for Discovery and Inspection (Docket #22); provided, however, that such denial is without prejudice and may be revisited to the extent the Government fails to provide any evidence required by law.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: April 30, 2013